

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

Case

05-CA-296459

Date Filed

6/17/22

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Starbucks Corporation		b. Tel. No. 757-618-0115
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1017 N. Arthur Ashe Blvd., Richmond, VA 23230	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail tmagdale@starbucks.com
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Coffee Shop	j. Identify principal product or service Food and Beverage	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

SEE ATTACHED

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Mid-Atlantic Regional Joint Board, Workers United

**4a. Address (Street and number, city, state, and ZIP code)**5752 Industry Lane  
Building C - Suite 101  
Frederick, MD 21704**4b. Tel. No.**

410-659-2191

**4c. Cell No.****4d. Fax No.****4e. e-mail**

pjaysr@marjb.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

Workers United a/w SEIU

**6. DECLARATION**

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

MATTHEW D. AREMAN, Attorney

Signature of representative or person making charge

(Print/type name and title or office, if any)

123 S. Broad Street, Suite 2020, Phila, PA 19109

Address

June 17, 2022

Date

**Tel. No.**

215-875-3128

**Office, if any, Cell No.****Fax No.****e-mail**

mareman@markowitzandrichman.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

During the past six (6) months, the above-named employer interfered with, coerced, discriminated and retaliated against employee (b) (6), (b) (7)(C), and ultimately terminated (b) (6), employment on or about (b) (6), (b) (7)(C) 2022, for engaging in protected concerted activities, for testifying in the (b) (6), (b) (7)(C) hearing in (b) (6), (b) (7)(C), and for the purpose of discouraging union membership.

In the weeks prior to (b) (6), (b) (7)(C) termination, the above-named employer sought to interfere with and coerce employees by attempting to besmirch and disparage (b) (6), (b) (7)(C) a (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Moreover, starting in or about March 2022, after the Union filed its petition to represent employees at the Employer's Arthur Ashe Store, the above-named employer interfered with, restrained and coerced employees by summoning the employees to scheduled, work-time captive one-on-one meetings with management representatives, during which the management representative(s) solicited employees views about the Union and threatened employees with, among other things, the loss of pay and benefits if they supported the Union in the election.

During the past six (6) months, the above-named employer has interfered with, restrained and coerced employees by its selective and disparate application of its dress code policy specifically targeting Union supporters and pro-Union messages.

By the above, and by other acts, the employer has interfered with, restrained, and coerced its employees in the exercise of their rights protected by Section 7 of the Act.

The Union seeks injunctive relief under Section 10(j) of the Act to prevent irreparable destruction of employee rights resulting from the Employer's unlawful response to the protected activity and organizing at the Arthur Ashe Store.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5**

STARBUCKS CORPORATION

and

Case 05-CA-296459

MID-ATLANTIC REGIONAL JOINT  
BOARD, WORKERS UNITED A/W  
SERVICE EMPLOYEES INTERNATIONAL  
UNION

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by the Mid-Atlantic Regional Joint Board, Workers United a/w Service Employees International Union (the Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Starbucks Corporation (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Charging Party on May 23, 2022, and a copy was served on Respondent by U.S. mail on May 26, 2022.

(b) The first amended charge in this proceeding was filed by the Charging Party on June 17, 2022, and a copy was served on Respondent by U.S. mail on June 21, 2022.

2. (a) At all material times, Respondent has been a corporation with offices and places of business throughout the Commonwealth of Virginia, including its facility located at 1017 N. Arthur Ashe Boulevard in Richmond, Virginia (Respondent's facility), and has been engaged in the operation of retail coffee shops.

(b) During the 12-month period ending July 31, 2022, Respondent, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the 12-month period ending July 31, 2022, Respondent, in conducting its business operations described above in paragraph 2(a), purchased and received at Respondent's facility products, goods, and materials valued in excess of \$5,000 from points outside the Commonwealth of Virginia.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

- |     |                     |   |                     |
|-----|---------------------|---|---------------------|
| (a) | (b) (6), (b) (7)(C) | - | (b) (6), (b) (7)(C) |
| (b) | (b) (6), (b) (7)(C) | - | (b) (6), (b) (7)(C) |

5. Respondent, by (b) (6), (b) (7)(C):

(a) About February 9, 2022, at Respondent's facility, interrogated employees regarding their support for the Charging Party.

(b) About February 9, 2022, at Respondent's facility, coerced employees by referring to a supporter of the Charging Party as a liar and telling employees not to trust (b) (6), (b) (7)(C)

(c) About February 9, 2022, at Respondent's facility, coerced employees by telling employees that (b) (6), (b) (7)(C) was investigating whether employees worked for the Charging Party and that (b) (6), (b) (7)(C) suspected employees worked for the Charging Party.

(d) About late February 2022, at Respondent's facility, interrogated employees regarding their support for the Charging Party.

(e) About late February 2022, at Respondent's facility, threatened employees with a loss of benefits if they chose to be represented by the Charging Party.

6. (a) About April 2022, Respondent, by (b) (6), (b) (7)(C) promulgated and since then has maintained a rule prohibiting the posting of union literature at Respondent's facility.

(b) About April 2022, Respondent, by (b) (6), (b) (7)(C), enforced the rule described above in paragraph 6(a) selectively and disparately by removing pro-union literature from Respondent's facility.

7. (a) At all material times, Respondent maintained the following rule:

#### **Shirts, Sweaters and Jackets**

Shirts must be clean, wrinkle-free, and in a style appropriate for food service that allows freedom of movement but does not present a safety hazard. Shirts must cover the mid-section when arms are raised. Sleeves must cover the armpits. Sweatshirts and hooded shirts are not acceptable. Shirts may have a small manufacturer's logo, but must not have other logos, writings or graphics. The base shirt color must be within the color palette (black, gray, navy blue, brown, khaki or white). These same colors may be the base color for a subdued, muted pattern. Starbucks®-issued promotional shirts may be worn for events or when still relevant for product marketing. Solid-color sweaters or jackets within the color palette may be worn. Other than a small manufacturer's logo, outerwear must not have logos or writings. Starbuckscoffee.com offers reasonably priced, dress-code approved shirts for sale. Partners can also check the site for information on retail clothing discounts through vendor partnerships.

## Pins

Partners may only wear buttons or pins issued to the partner by Starbucks for special recognition or for advertising a Starbucks-sponsored event or promotion; and one reasonably sized and placed button or pin that identifies a particular labor organization or a partner's support for that organization, except if it interferes with safety or threatens to harm customer relations or otherwise unreasonably interferes with Starbucks public image. Pins must be securely fastened. Partners are not permitted to wear buttons or pins that advocate a political, religious or personal issue.

(b) About May 2, 2022, Respondent, by (b) (6), (b) (7)(C) enforced the rule described above in paragraph 7(a) selectively and disparately by requiring employees to remove union t-shirts.

(c) About May 2, 2022, Respondent, by (b) (6), (b) (7)(C) enforced the rule described above in paragraph 7(a) selectively and disparately by requiring employees to remove union pins.

8. Around late February 2022, and early March 2022, Respondent required employees to attend meetings about union organizing campaigns without offering assurances to employees that attendance was voluntary.

9. (a) Between about (b) (6), (b) (7)(C) 2022, and (b) (6), (b) (7)(C) 2022, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection, by discussing wages and other terms and conditions of employment.

(b) About (b) (6), (b) (7)(C), 2022, Respondent issued a final written warning to (b) (6), (b) (7)(C)

(c) About (b) (6), (b) (7)(C) 2022, Respondent discharged (b) (6), (b) (7)(C)

(d) Respondent engaged in the conduct described above in paragraphs 9(b) and 9(c) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 9(a), and to discourage employees from engaging in these or other concerted activities.

(e) Respondent engaged in the conduct in described above in paragraphs 9(b) and 9(c) because the named employee of Respondent assisted the Charging Party and engaged in concerted activities, and to discourage employees from engaging in these activities.

(f) Respondent engaged in the conduct described above in paragraphs 9(b) and 9(c) because (b) (6), (b) (7)(C) testified at a Board hearing in Case (b) (6), (b) (7)(C).

10. By the conduct described above in paragraphs 5, 6, 7(b), 7(c), 8, 9(b), 9(c), and 9(d), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

11. By the conduct described above in paragraphs 9(b), 9(c), and 9(e), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

12. By the conduct described above in paragraphs 9(b), 9(c), and 9(f), Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act.

13. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

## **REMEDY**

The General Counsel seeks, as part of the remedy for the unfair labor practices alleged above in paragraphs 5, 6, 7(b), 7(c), 8, 9(b), 9(c), 9(d), 9(e), 9(f), 10, 11, and 12, an Order requiring Respondent to: (1) copy and mail, at its own expense, a copy of any notice to employees that may issue in this case to all current and former employees who were employed by Respondent at any time since February 9, 2022; (2) electronically post any notice to employees that may issue in this case if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees; (3) have Respondent's Representative (b) (6), (b) (7)(C) at a meeting or meetings scheduled to ensure the widest possible attendance, read the notice to employees in English at Respondent's facility on work time in the presence of a Board agent, or alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Respondent's employees, supervisors and agents; and (4) conduct a training session for its managers and supervisors on their obligations under the Act to ensure future compliance with the law.

The General Counsel seeks, as part of the remedy for the unfair labor practices alleged above in paragraphs 9(c), 9(d), 9(e), 9(f), 10, 11, and 12, an Order requiring Respondent to make (b) (6), (b) (7)(C) whole, including, but not limited to, by reimbursement for direct and foreseeable consequential damages (b) (6) incurred as a result of Respondent's unlawful conduct.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.



### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the amended complaint. The answer must be **received by this office on or before August 24, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to an amended complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules

and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on October 11, 2022, at 10:00 a.m., and on consecutive days thereafter until concluded, at a location to be determined in Richmond, Virginia, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Baltimore, Maryland this 10<sup>th</sup> day of August 2022.

(SEAL)

/s/ SEAN R. MARSHALL

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Sean R. Marshall, Regional Director  
National Labor Relations Board, Region 5  
Bank of America Center - Tower II  
100 South Charles Street, Suite 600  
Baltimore, MD 21201

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

**evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

Case 5-CA-296459

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**COUNSEL FOR RESPONDENT:**

Jerry H. Walters, Esq.  
Littler Mendelson, P.C.  
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**COUNSEL FOR CHARGING PARTY:**

Matthew D. Areman Esq.,  
Markowitz & Richman  
[mareman@markowitzandrichman.com](mailto:mareman@markowitzandrichman.com)

**RESPONDENT:**

(b) (6), (b) (7)(C)

Starbucks Corporation

(b) (6), (b) (7)(C)

**CHARGING PARTY:**

Mr. Patrick Jones Sr.  
Mid-Atlantic Regional Joint Board, Workers United  
[pjaysr@marjb.org](mailto:pjaysr@marjb.org)